

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMAN CRUZ,

Plaintiff,

-against-

W. LEE, SGT. VALADO, D. MALARK, JOHN  
DOES 1-2, MS. KIERNAN, AND C. JACKSON,

Defendant.

USDC SDNY  
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14-CV-4870 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

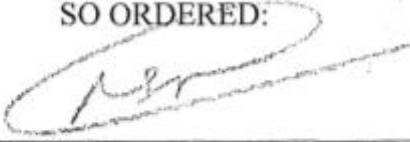
On May 12, 2016, Defendants requested the Court to stay their deadline to file an answer to *pro se* Plaintiff Herman Cruz's Complaint after they learned that *pro se* Plaintiff suffered a traumatic brain injury that caused bleeding into his head and resulted in brain damage. (ECF No. 44.) Defendants represented that *pro se* Plaintiff was bed-ridden, on a feeding tube, and in the opinion of the treating physician, mentally unable to participate in the litigation permanently. (*Id.*) The Court granted the application. (*Id.*)

On October 4, 2017, the Court directed Defendants to submit a status update on or before October 13, 2017, regarding the current status of this case and *pro se* Plaintiff's health. (ECF No. 45.) After requesting an extension of time, which the Court granted, Defendants filed a status report on November 11, 2017, representing that their counsel had spoken to *pro se* Plaintiff over the phone and he appeared to understand all questions to him and was able to respond in an appropriate matter. (ECF No. 47.) Defendants also represented that *pro se* Plaintiff had said that he had memory issues and that litigating this case might be difficult given his paralysis. (*Id.*) Defendants further represented that *pro se* Plaintiff was willing to discontinue this case if he was transferred to a different facility, but that after Defendants' counsel told him that was not an option, *pro se* Plaintiff declined to discontinue this action. (*Id.*)

After nearly a year without any communications from the parties, the Court directed Defendants once again to provide a written update on the status the case, as well on the status of Plaintiff's health, by October 10, 2018. (ECF No. 49.) On October 10, 2018, Defendants represented that on October 24, 2017, *pro se* Plaintiff was paroled to a rehabilitation and nursing center named the Fiddler's Green Manor Home. (ECF No. 50.) Defendants further represented that their counsel had spoken to the administrator of the center to schedule a phone conference to speak with her, *pro se* Plaintiff, and his social worker. (*Id.*) The administrator of the center never returned the call to Defendants' counsel or answered any of his voicemails to the facility. (*Id.*) Defendants requested adjourning the next date to update the Court on the status of this case and *pro se* Plaintiff's health to October 31, 2018. (*Id.*)

To date, around four years have passed and the Court has yet to receive any update whatsoever on either the status of this case or on *pro se* Plaintiff's health. None of the parties have communicated with the Court since October 2018. Accordingly, the Court ORDERS Defendants to file a written status update regarding the status of this case and *pro se* Plaintiff's health on or before April 12, 2022. The Clerk of the Court is directed to mail a copy of this Order to *pro se* Plaintiff at his address on the Fiddler's Green Manor Home, 168 W. Main St, Springville, NY 14141, and to show service on the docket.

Dated: April 5, 2022  
White Plains, NY

SO ORDERED:  
  
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NELSON S. ROMÁN  
United States District Judge